

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>REUBEN J. INGRAM III,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-16-770-D</b>
	)	
<b>JOE M. ALLBAUGH, Interim Director,</b>	)	
	)	
<b>Respondent.</b>	)	

**REPORT AND RECOMMENDATION**

Petitioner Reuben J. Ingram III, a state prisoner appearing pro se, has conditionally filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, as well as an application for leave to proceed *in forma pauperis* (“IFP”) in this matter. Pet. (Doc. Nos. 1, 1-1); IFP Appl. (Doc. Nos. 2, 2-1). The matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b).

Having reviewed Petitioner’s sworn application, the undersigned finds that Petitioner receives \$10.50 per month in wages and has approximately \$20.00 in his prison savings accounts, IFP Appl. at 2, 8, which is sufficient to prepay the \$5.00 fee required to initiate this habeas action. 28 U.S.C. § 1914; LCvR 3.5; *see also* Order, *Ingram v. Allbaugh*, No. CIV-16-316-D (W.D. Okla. Apr. 27, 2016) (denying Petitioner’s IFP Application in a pending § 2254 action and noting that Petitioner paid a \$5.00 filing fee on April 22, 2016).

Because Petitioner has not shown any extenuating circumstances or demonstrated any inability to prepay the filing fee, the undersigned recommends that the District Judge:

- (1) deny Petitioner’s application for leave to proceed *in forma pauperis*;

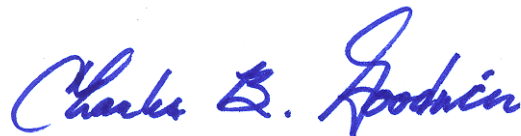
- (2) order Petitioner to pay the full \$5.00 filing fee within 21 days of any order adopting this Report and Recommendation, *see* LCvR 3.2, 3.3(e); and
- (3) dismiss the action without prejudice to refiling if Petitioner fails to timely pay the filing fee to the Clerk of this Court, or to show good cause for the failure to do so, *see* LCvR 3.3(e).

#### NOTICE OF RIGHT TO OBJECT

Petitioner is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by August 16, 2016, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Petitioner further is advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation disposes of all issues referred to the undersigned Magistrate Judge in the present case.

ENTERED this 26th day of July, 2016.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE